

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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WILLIE RAY McKEE,	)	
	)	
Petitioner,	)	Case No. 1:06-cv-366
	)	
v.	)	Honorable Robert Holmes Bell
	)	
SHIRLEE HARRY,	)	
	)	
Respondent.	)	<b><u>ORDER OF DISMISSAL</u></b>
	)	

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This habeas corpus proceeding is before the court for *de novo* review of the objections lodged by petitioner to the report and recommendation of the magistrate judge. The report and recommendation concluded that the one-year statute of limitations set forth in 28 U.S.C. § 2244(d)(1) expired on December 29, 1998, over seven years before the filing of the instant habeas corpus petition. After the magistrate judge extended petitioner's time to respond on two separate occasions, petitioner finally filed objections, which virtually ignore the issue of the statute of limitations.

Despite the lack of focused objections, the court has afforded *de novo* review to the conclusions reached by the magistrate judge. The court confirms that the statute of limitations expired on December 29, 1998. Furthermore, petitioner has failed to raise any facts that would support a conclusion of equitable tolling, despite the magistrate judge's express notification to petitioner of his ability to address this issue. The matters raised in petitioner's objections have

nothing to do with the running of the statute of limitation and do not serve to undermine in any way the conclusion that this matter must be dismissed as time-barred. Accordingly:

IT IS ORDERED that petitioner's objections (docket # 11) be and hereby are OVERRULED.

IT IS FURTHER ORDERED that the report and recommendation of the magistrate judge (docket # 6) is hereby ADOPTED as the opinion of the court.

IT IS FURTHER ORDERED AND ADJUDGED that this habeas corpus action is DISMISSED WITH PREJUDICE as time-barred, pursuant to 28 U.S.C. § 2244(d)(1).

IT IS FURTHER ORDERED that petitioner is denied a certificate of appealability, as reasonable jurists could not conclude that petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

Date: October 5, 2006

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE